



---

**Colorado Department  
of Public Health  
and Environment**

**OPERATING PERMIT**

Public Service Company of Colorado – Zuni Station

First Issued: July 1, 1998

Renewed: April 1, 2014



## AIR POLLUTION CONTROL DIVISION COLORADO OPERATING PERMIT

---

FACILITY NAME:	Zuni Station	OPERATING PERMIT NUMBER
FACILITY ID:	0310007	<b>960PDE134</b>
RENEWED:	April 1, 2014	
EXPIRATION DATE:	April 1, 2015	
MODIFICATIONS:	See Appendix F of Permit	

Issued in accordance with the provisions of Colorado Air Pollution Prevention and Control Act, 25-7-101 et seq. and applicable rules and regulations.

ISSUED TO:	PLANT SITE LOCATION:
Public Service Company of Colorado	1335 Zuni Street
1800 Larimer Street, Suite 1300	Denver, CO 80204
Denver, CO 80202	Denver County

---

### INFORMATION RELIED UPON

Operating Permit Renewal Application  
Received: July 24, 2013  
And Additional Information Received:

Nature of Business: Steam and Electricity Generation  
Primary SIC: 4911

### RESPONSIBLE OFFICIAL

Name: Mark Fox  
Title: General Manager - Power  
Generation, Colorado  
Phone: (303) 440-2539

### FACILITY CONTACT PERSON

Name: Gary Magno  
Title: Manager, Environmental Services - Air  
Quality Compliance  
Phone: (303) 294-2177

---

### SUBMITTAL DEADLINES

Annual Monitoring Periods:	April 1 – September 30, October 1 – March 31
Semi-Annual Monitoring Reports:	Due on November 1, 2014 & May 1, 2015 & subsequent years
Annual Compliance Periods:	April 1 – March 31
Annual Compliance Certification:	Due on May 1, 2015 and subsequent years

**Note that the Semi-Annual Monitoring Reports and Annual Compliance Certifications must be received at the Division office by 5:00 p.m. on the due date. Postmarked dates will not be accepted for the purposes of determining the timely receipt of those reports/certifications.**

**FOR ACID RAIN SUBMITTAL DEADLINES SEE SECTION III.4 OF THIS PERMIT**

---



# TABLE OF CONTENTS:

<b>SECTION I - General Activities and Summary.....</b>	<b>1</b>
1. Permitted Activities .....	1
2. Alternative Operating Scenarios .....	2
3. Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD).....	2
4. Accidental Release Prevention Program (112(r)) .....	2
5. Compliance Assurance Monitoring (CAM) .....	3
6. Summary of Emission Units.....	3
<b>SECTION II - Specific Permit Terms.....</b>	<b>4</b>
1. B001 thru B003 - Boilers No. 1A, 1B and 2, Natural Gas Fired. ....	4
2. B001 thru B003 - Boilers No. 1A, 1B and 2, No. 6 Fuel Oil Fired.....	6
3. B001 thru B003 – Boilers No 1A, 1B and 2, Combination Fired. ....	11
4. M001 - Cold Cleaner Solvent Vat.....	12
5. E001: 635 hp Diesel Fuel-Fired Emergency Generator .....	13
<b>SECTION III - Acid Rain Requirements .....</b>	<b>20</b>
1. Designated Representative and Alternate Designated Representative.....	20
2. Sulfur Dioxide Emission Allowances and Nitrogen Oxide Emission Limitations .....	20
3. Standard Requirements.....	21
4. Reporting Requirements.....	24
5. Comments, Notes and Justifications .....	24
<b>SECTION IV - Permit Shield .....</b>	<b>25</b>
1. Specific Non-Applicable Requirements .....	25
2. General Conditions.....	25
3. Streamlined Conditions .....	26
<b>SECTION V - General Permit Conditions .....</b>	<b>27</b>
1. Administrative Changes .....	27
2. Certification Requirements.....	27
3. Common Provisions .....	27
4. Compliance Requirements .....	31
5. Emergency Provisions .....	32
6. Emission Controls for Asbestos .....	32
7. Emissions Trading, Marketable Permits, Economic Incentives .....	32
8. Fee Payment .....	32
9. Fugitive Particulate Emissions .....	33
10. Inspection and Entry.....	33
11. Minor Permit Modifications .....	33
12. New Source Review .....	33
13. No Property Rights Conveyed.....	33
14. Odor.....	33
15. Off-Permit Changes to the Source.....	34
16. Opacity .....	34
17. Open Burning .....	34
18. Ozone Depleting Compounds .....	34
19. Permit Expiration and Renewal.....	34

## TABLE OF CONTENTS:

20.	Portable Sources .....	34
21.	Prompt Deviation Reporting .....	34
22.	Record Keeping and Reporting Requirements .....	35
23.	Reopenings for Cause.....	36
24.	Section 502(b)(10) Changes .....	36
25.	Severability Clause .....	37
26.	Significant Permit Modifications .....	37
27.	Special Provisions Concerning the Acid Rain Program.....	37
28.	Transfer or Assignment of Ownership .....	37
29.	Volatile Organic Compounds .....	37
30.	Wood Stoves and Wood burning Appliances.....	38
<b>APPENDIX A - Inspection Information .....</b>		<b>1</b>
Directions to Plant: .....		1
Safety Equipment Required: .....		1
Facility Plot Plan:.....		1
List of Insignificant Activities: .....		1
<b>APPENDIX B .....</b>		<b>1</b>
Reporting Requirements and Definitions.....		1
Monitoring and Permit Deviation Report - Part I .....		5
Monitoring and Permit Deviation Report - Part II.....		7
Monitoring and Permit Deviation Report - Part III .....		9
<b>APPENDIX C .....</b>		<b>1</b>
Format for Annual Compliance Certification Reports.....		1
<b>APPENDIX D .....</b>		<b>1</b>
Notification Addresses .....		1
<b>APPENDIX E .....</b>		<b>1</b>
Permit Acronyms .....		1
<b>APPENDIX F .....</b>		<b>1</b>
Permit Modifications .....		1

## SECTION I - General Activities and Summary

### 1. Permitted Activities

- 1.1 This facility consists of three steam boilers (Units 1A, 1B, and 2) that are fueled primarily by natural gas, although No. 6 fuel oil is used as a back-up fuel. Typically these boilers provide steam to the downtown Denver area, however, during peak operating periods the turbines are brought on line. Boilers 1A and 1B serve a common turbine that is rated at 45 gross MW (GMW) and boiler 2 supports a turbine rated at 76 MW (GMW). In addition there are cold cleaner solvent vats and a diesel fuel-fired emergency generator included in Section II of the permit.

The facility is located in central Denver at 1335 Zuni Street in Denver county, within the Denver metro area. The Denver metro area is classified as attainment/maintenance for particulate matter less than 10 microns (PM<sub>10</sub>) and carbon monoxide. Under that classification, all SIP-approved requirements for PM<sub>10</sub> and CO will continue to apply in order to prevent backsliding under the provisions of Section 110(l) of the Federal Clean Air Act. The Denver Metro Area is classified as nonattainment for ozone and is part of the 8-hr Ozone Control Area as defined in Colorado Regulation No. 7, Section II.A.1.

There are no affected states within 50 miles of the plant. Rocky Mountain National Park and Eagles Nest National Wilderness Area, both Federal Class I designated areas are within 100 km of this facility.

- 1.2 Until such time as this permit expires or is modified or revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 The Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet all applicable substantive New Source Review requirements of Part B. Any revisions made using the provisions of Regulation No. 3, Part C, shall become new applicable requirements for purposes of this Operating Permit and shall survive reissuance. This permit incorporates the applicable requirements (except as noted in Section II) from the following construction permits: P20-092.
- 1.4 All conditions in this permit are enforceable by US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Permit Condition Number(s): Section V - Conditions 3.g (last paragraph), 14 and 18.
- 1.5 All information gathered pursuant to the requirements of the permit is subject to the Recordkeeping and Reporting requirements listed under Condition 22 of the General Conditions

in Section V of this permit, unless otherwise specified. Either electronic or hard copy records are acceptable.

**2. Alternative Operating Scenarios**

2.1 The permittee shall be allowed to make the following changes to its method of operation without applying for a revision of this permit.

2.1.1 No separate operating scenarios have been specified.

**3. Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD)**

3.1 This facility is categorized as a PSD major stationary source (Potential to Emit of PM, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub> and CO  $\geq$  100 tpy). Future modifications at this facility resulting in a significant net emissions increase (see Colorado Regulation No. 3, Part D, Sections II.A.26 and 42) or a modification which is major by itself (Potential to Emit  $\geq$  100 tpy) for any pollutant as listed in Regulation No. 3, Part D, Section II.A.42 for which the area is in attainment or attainment/maintenance may result in the application of the PSD review requirements.

3.2 This source is categorized as a NANSR major stationary source (Potential to Emit of NO<sub>x</sub>  $\geq$  100 tons/year). Future modifications at this facility resulting in a significant net emissions increase (see Regulation No. 3, Part D, Sections II.A.26 and 42) for VOC or NO<sub>x</sub> or a modification which is major by itself (Potential to Emit  $\geq$  100 tons/year for either VOC or NO<sub>x</sub>) may result in the application of the NANSR review requirements.

3.3 There are no other Operating Permits associated with this facility for purposes of determining applicability of NANSR and PSD review regulations.

**4. Accidental Release Prevention Program (112(r))**

4.1 Based upon the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act).



## 5. Compliance Assurance Monitoring (CAM)

5.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV:

None.

## 6. Summary of Emission Units

6.1 The emissions units regulated by this permit are the following:

Emission Unit No./ Facility ID	AIRS Pt. Number	Description	Startup Date	Pollution Control Device
B001/ Unit #1A	001	Babcock and Wilcox Front-Fired Boiler, Model No. Unknown, Serial No. 15253, Rated at 450 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.	August 1948	Uncontrolled
B002/ Unit #1B	002	Babcock and Wilcox Front-Fired Boiler, Model No. Unknown, Serial No. 15265, Rated at 200 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.	August 1948	Uncontrolled
B003/ Unit 2	003	Babcock and Wilcox, Front-Fired Boiler Model No. Unknown, Serial No.17869, Rated at 1,075 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.	June 1954	Uncontrolled
M001	N/A	Cold Cleaner Solvent Vat		Uncontrolled
E001	N/A	Detroit Diesel, Model No. 7163-7305, diesel fuel-fired engine, rated at 635 hp, Serial No. 16VA2496. This engine powers an emergency generator.		Uncontrolled

## SECTION II - Specific Permit Terms

### 1. B001 thru B003 - Boilers No. 1A, 1B and 2, Natural Gas Fired.

Parameter	Permit Condition Number	Limitations		Compliance Emission Factor	Monitoring	
		Short Term	Long Term		Method	Interval
Emission Calculations	1.1	N/A	N/A	PM 1.9 lbs/MMscf PM <sub>10</sub> 1.9 lbs/MMscf PM <sub>2.5</sub> 1.9 lbs/MMscf CO 84 lbs/MMscf VOC 5.5 lbs/MMscf	Calculation, Continuous Monitoring Systems	Annually
Natural Gas Usage	1.2	N/A	N/A	N/A	Recordkeeping	Annually
Particulate Matter (PM)	1.3	<b>Unit 1A:</b> 0.102 lbs/MMBtu <b>Unit 1B:</b> 0.126 lbs/MMBtu <b>Unit 2:</b> 0.1 lbs/MMBtu		N/A	Fuel Restriction	Annually
Opacity	1.4	Not to Exceed 20% Except as Provided for in 1.5 Below		N/A	Fuel Restriction	Whenever Natural Gas is Used as Fuel
Opacity	1.5	For Certain Operational Activities - Not to Exceed 30% for a Period or Periods Aggregating More than Six (6) Minutes in Any 60 Consecutive Minutes		N/A		
Acid Rain Requirements	1.6	See Section III of this Permit			Certification	Annually

- 1.1 The emission factors listed above have been approved by the Division and shall be used to calculate emissions from **each boiler** (EPA Compilation of Emission Factors (AP-42), dated March 1998, Section 1.4). Annual emissions of PM, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC, from each boiler, shall be calculated for the purposes of APEN reporting and payment of annual fees, using the above emission factors and the annual natural gas usage, as required by Condition 1.2, in the following equation:

$$\text{Tons/yr} = \frac{\text{annual natural gas usage (MMscf/yr)} \times \text{EF (lbs/MMscf)}}{2000 \text{ lbs/ton}}$$

Annual emissions of SO<sub>2</sub> and NO<sub>x</sub> shall be determined using the continuous monitoring systems required by 40 CFR Part 75, as adopted by reference in Colorado Regulation No. 18. Annual SO<sub>2</sub> emissions shall be determined based on the tons/yr of SO<sub>2</sub> as indicated by the monitoring systems. Annual NO<sub>x</sub> emissions shall be based on the sum of the hourly NO<sub>x</sub> ton values recorded by the monitoring systems.

- 1.2 Natural Gas Usage shall be monitored annually and recorded and maintained to be available to the Division upon request. Natural gas usage shall be determined using fuel meters and corporate records as necessary.

- 1.3 Particulate Matter (PM) emissions **from each boiler** shall not exceed the limitation stated above (Colorado Regulation No. 1, Section III.A.1.b (units 1A and 1B) and Section II.A.1.c (unit 2)). In the absence of credible evidence to the contrary, compliance with the particulate matter standards is presumed whenever natural gas is used as fuel in these boilers.

Note that the numeric PM standards were determined using the design heat input for the boilers 1A and 1B (450 MMBtu/hr for boiler 1A and 200 MMBtu/hr for boiler 1B) in the following equation:

$$PE = 0.5 \times (FI)^{-0.26}, \quad \text{where:} \quad \begin{array}{l} PE = \text{particulate standard in lbs/MMBtu} \\ FI = \text{fuel input in MMBtu/hr} \end{array}$$

- 1.4 Except as provided for in Condition 1.5, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No. 1, Section II.A.1). This opacity requirement applies to **each boiler**. In the absence of credible evidence to the contrary, compliance with the opacity requirement shall be presumed whenever natural gas is used as fuel in the boilers.
- 1.5 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, process modifications or adjustment or occasional cleaning of control equipment which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4). This opacity requirement applies to **each boiler**. In the absence of credible evidence to the contrary, compliance with the opacity requirement shall be presumed whenever natural gas is used as fuel in the boilers.
- 1.6 These units are subject to the Title IV Acid Rain Requirements. As specified in 40 CFR Part 72.72(b)(1)(viii), the acid rain permit requirements shall be a complete and segregable portion of the Operating Permit. As such the requirements are found in Section III of this permit.

**2. B001 thru B003 - Boilers No. 1A, 1B and 2, No. 6 Fuel Oil Fired.**

Parameter	Permit Condition Number	Limitations		Compliance Emission Factor <sup>1</sup>	Monitoring	
		Short Term	Long Term		Method	Interval
Emission Calculations	2.1	N/A	N/A	<u>All EFs in lbs/10<sup>3</sup> gal</u> PM (9.19S + 3.22) PM <sub>10</sub> 0.71(PM) PM <sub>2.5</sub> 0.71(PM) CO 5.0 VOC 0.76	Calculation, Continuous Monitoring Systems	Annually
No. 6 Fuel Oil Usage	2.2	N/A	N/A	N/A	Recordkeeping	Quarterly
Particulate Matter (PM)	2.3	<b>Unit 1A:</b> 0.102 lbs/MMBtu <b>Unit 1B:</b> 0.126 lbs/MMBtu <b>Unit 2:</b> 0.1 lbs/MMBtu		(9.19S + 3.22) lbs/10 <sup>3</sup> gal	Recordkeeping and Calculation	Quarterly
SO <sub>2</sub>	2.4	<b>Unit 1A:</b> 0.8 lbs/MMBtu <b>Unit 1B:</b> 1.5 lbs/MMBtu <b>Unit 2:</b> 0.8 lbs/mmBt		N/A	Continuous Monitoring Systems	Quarterly
Continuous Emission Monitoring System Requirements – <b>Boiler 1A and 2 Only</b>	2.5	N/A	N/A	N/A	See Condition 2.5.	
Restrictions on Use of Fuel Oil as Back-up	2.6	No Fuel Burning from November 1 - March 1 of Each Year Except as Specified in Condition 2.6.		N/A	Recordkeeping and Notification	When Burning No. 6 Fuel Oil
Recordkeeping and Reporting for Use of Fuel Oil	2.7	N/A	N/A	N/A	Recordkeeping and Notification	Daily with an Annual Report When Burning No. 6 Fuel Oil Under Condition 2.6.
Opacity	2.8	Not to Exceed 20% Except as Provided for Below		N/A	See Condition 2.8.	
		For Certain Operational Activities - Not to Exceed 30% for a Period or Periods Aggregating More than Six (6) Minutes in Any 60 Consecutive Minutes				
Acid Rain Requirements	2.9	See Section III of this Permit			Certification	Annually

Parameter	Permit Condition Number	Limitations		Compliance Emission Factor <sup>1</sup>	Monitoring	
		Short Term	Long Term		Method	Interval
Fuel Oil Restrictions for MACT UUUUU Applicability	2.10	Fuel oil burned cannot be burned for more than 10.0 percent of the annual average heat input during any three (3) consecutive calendar years or more than 15.0 percent of the annual heat input during any one calendar year		N/A	Recordkeeping	Annually
Fuel Oil Restrictions for MACT JJJJJ Applicability	2.11	Fuel oil can only be burned during periods of gas curtailment, gas supply emergencies, or periodic testing. Periodic testing is limited to 48 hours per calendar year.		N/A	Recordkeeping	Annually

<sup>1</sup>S - Weight percent Sulfur in the fuel

- 2.1 The emission factors listed above have been approved by the Division and shall be used to calculate emissions from **each boiler** (EPA Compilation of Emission Factors (AP-42), dated September 1998, Section 1.3). Annual emissions of PM, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC, from each boiler, shall be calculated for the purposes of APEN reporting and payment of annual fees, using the above emission factors, the annual No. 6 fuel oil usage, as required by Condition 2.2, and the average annual weight percent sulfur, as determined from sampling required by Condition 2.5, in the following equation:

$$\text{Tons/yr} = \frac{\text{annual No. 6 fuel oil usage (10}^3 \text{ gal/yr)} \times \text{EF (lbs/10}^3 \text{ gal)}}{2000 \text{ lbs/gal}}$$

Annual emissions of SO<sub>2</sub> and NO<sub>x</sub> shall be determined using the continuous monitoring systems required by 40 CFR Part 75, as adopted by reference in Colorado Regulation No. 18. Annual SO<sub>2</sub> emissions shall be determined based on the tons/yr of SO<sub>2</sub> as indicated by the monitoring systems. Annual NO<sub>x</sub> emissions shall be based on the sum of the hourly NO<sub>x</sub> ton values recorded by the monitoring systems.

- 2.2 No. 6 Fuel Oil Usage shall be monitored quarterly, when No. 6 fuel oil is burned, and recorded and maintained to be available to the Division upon request. No. 6 fuel oil usage shall be determined using fuel meters and corporate records as necessary.
- 2.3 Particulate Matter (PM) emissions **from each boiler** shall not exceed the limitation stated above (Colorado Regulation No. 1, Section III.A.1.b (units 1A and 1B) and Section II.A.1.c (unit 2)). Compliance with the particulate matter emission limitation shall be monitored on a quarterly basis using the following equation:

$$\text{PM (lbs/MMBtu)} = \frac{9.19(\text{S}) + 3.22 \text{ (lbs/10}^3 \text{ gal)}}{\text{Heat content of No. 6 fuel oil (MMBtu/10}^3 \text{ gal)}}$$

Where: S = weight percent sulfur in No. 6 fuel oil

The values for the heat and sulfur content shall be the average values over the quarterly period. The heat and sulfur content shall be determined from the No. 6 fuel oil sampling required by Condition 2.5.

Note that the numeric PM standards were determined using the design heat input for the boilers 1A and 1B (450 MMBtu/hr for boiler 1A and 200 MMBtu/hr for boiler 1B) in the following equation:

$$PE = 0.5 \times (FI)^{-0.26}, \quad \text{where:} \quad \begin{array}{l} PE = \text{particulate standard in lbs/MMBtu} \\ FI = \text{fuel input in MMBtu/hr} \end{array}$$

- 2.4 Sulfur Dioxide emissions **from each boiler** shall not exceed the limitations stated above (Colorado Regulation No.1, Section VI.A.3.b.(ii) (for units 1A and 2) and Section VI.A.3.b.(i) (for unit 1B)). Compliance with this standard shall be monitored on a quarterly basis using the continuous monitoring systems required by 40 CFR Part 75, as adopted by reference in Colorado Regulation No. 18. The SO<sub>2</sub> emissions (lbs) shall be divided by the heat input from the fuel oil (MMBtu). Both the SO<sub>2</sub> emissions and the heat input shall be those values determined by the continuous monitoring systems.
- 2.5 **Boilers 1A and 2 only** are subject to the following continuous emission monitoring system requirements:
- 2.5.1 In the event that the source is unable to comply with the particulate matter requirements (as identified in Condition 2.3.), without utilizing particulate matter collection equipment, a continuous opacity monitor must be installed (Colorado Regulation 1, Section IV.B.1.b).
- 2.5.2 The source must either have a continuous emission monitoring system for the measurement of sulfur dioxide installed, calibrated, maintained and operated on each unit or a Division approved sampling plan shall be developed and implemented for determining the amount of sulfur in the fuel in order to calculate sulfur oxide emissions (Colorado Regulation 1, Section IV.B.2). Approval and operation of the continuous sulfur dioxide emission monitoring system required by Part 75 demonstrates compliance with this requirement.
- 2.5.3 The owner or operator of a facility utilizing fuel sampling as an alternative to continuous emission monitoring shall report fuel analysis data as specified in the sampling plan to the Division within 30 days following the end of the calendar half in a format prescribed by the Division. The purpose of such report shall be to disclose emissions that would exceed SO<sub>2</sub> emission standards (Colorado Regulation 1, Section IV.I). The semi-annual monitoring and permit deviation reports (Appendix B) shall satisfy the reporting requirements. In lieu of submitting fuel analysis data, the permittee shall maintain fuel analysis data and make such data available to the Division upon request.

- 2.6 This facility shall not burn No. 6 fuel oil from November 1 to March 1 of each year except under the following circumstances (Colorado Regulation No.1, Section VIII.B):
- 2.6.1 The supplier or transporter of natural gas imposes a curtailment or an interruption of service.
  - 2.6.2 For necessary testing of equipment used to operate the unit on oil, testing of fuel and training of personnel.
  - 2.6.3 When an equipment malfunction at the facility makes it impossible or unsafe for the unit to operate on natural gas.
- 2.7 As provided by Colorado Regulation No. 1, Section VIII.C, when burning No. 6 fuel oil under Condition 2.6, the records identified below shall be maintained and made available to the inspector upon request. These records shall be maintained for a period of five (5) years as specified in Section V, Conditions 22.b and c. In addition this information is to be submitted, in a report, to the Division, before April 1, annually as required by Regulation No. 1, Section VIII.D.
- 2.7.1 dates and number of hours fuel oil is burned
  - 2.7.2 percent sulfur analysis of the fuel oil that is burned
  - 2.7.3 number of gallons burned each day
  - 2.7.4 reason(s) for the use of the fuel oil
- 2.8 The boilers are subject to the following opacity requirements:
- 2.8.1 Except as provided for in Condition 2.8.2, below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Regulation No. 1, Section II.A.1). This opacity requirement applies to **each boiler**.
  - 2.8.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from the building of a new fire, cleaning of fire boxes, soot blowing, start-up, process modifications or adjustment or occasional cleaning of control equipment which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Regulation No. 1, Section II.A.4). This opacity requirement applies to **each boiler**.
- Compliance with this standard shall be monitored as follows:
- 2.8.3 Compliance with the opacity requirement in Condition 2.8.2 shall be monitored by conducting visible emission observations in accordance with EPA Method 9, once per calendar month. This opacity observation shall be taken within one (1) hour of the

commencement of any of the specific activities identified in Condition 2.8.2 and every 24 hours thereafter until that activity is completed.

A visible emissions observation is not required for any calendar month when no No. 6 fuel oil has been burned during the month. In addition, a visible emission observation is not required for any calendar month where no specific activities identified in Condition 2.8.2 have occurred when No. 6 fuel oil has been burned as fuel.

- 2.8.4 Compliance with the opacity requirement in Condition 2.8.1 shall be monitored by conducting visible emission observations in accordance with EPA Method 9, once per calendar month. If a specific activity identified in Condition 2.8.2 occurs during the calendar month, then such opacity observation shall be conducted within 24 hours of completion of that specific activity.

A visible emissions observation is not required for any calendar month when no No. 6 fuel oil has been burned during the month.

- 2.8.5 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certification shall also be kept on site and made available to the Division upon request.

- 2.8.6 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the opacity limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

- 2.9 These units are subject to the Title IV Acid Rain Requirements. As specified in 40 CFR Part 72.72(b)(1)(viii), the acid rain permit requirements shall be a complete and segregable portion of the Operating Permit. As such the requirements are found in Section III of this permit.

- 2.10 Oil-fired electric utility steam generating units (EGUS) are subject to the requirements in 40 CFR Part 63 Subpart UUUUU and are defined in § 63.10042 as an electric utility steam generating unit meeting the definition of "fossil fuel-fired" that is not a coal-fired electric utility steam generating unit and that burns oil for more than 10.0 percent of the average annual heat input during any 3 consecutive calendar years or for more than 15.0 percent of the annual heat input during any one calendar year. The permittee shall retain records for each unit demonstrating that the unit does not meet the definition of an oil-fired EGU. Within 60 days of triggering the requirements in 40 CFR Part 63 Subpart UUUUU (i.e., meeting the definition of an oil-fired EGU), the permittee shall submit an application to revise this permit to include the appropriate requirements.

- 2.11 In accordance with the requirements in 40 CFR Part 63 Subpart JJJJJ § 63.11195(e), gas-fired boilers are not subject to the provisions in 40 CFR Part 63 Subpart JJJJJ. A gas-fired boiler is defined in 40 CFR Part 63 Subpart JJJJJ § 63.11237 as "any boiler that burns gaseous fuels not



combined with solid fuels, burns liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing on liquid fuel. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year.” The permittee shall retain records for each unit documenting the reason for burning fuel oil and the hours that fuel oil is burned. In the event that fuel oil is burned in any boiler for reasons other than natural gas curtailment, gas supply emergency or periodic testing or if periodic testing exceeds 48 hours during a calendar year, the provision in 40 CFR Part 63 Subpart JJJJJJ apply to that boiler. Within 60 days of triggering the requirements in 40 CFR Part 63 Subpart JJJJJJ, the permittee shall submit an application to revise this permit to include the appropriate requirements.

**3. B001 thru B003 – Boilers No 1A, 1B and 2, Combination Fired.**

- 3.1 Any combination of the fuels identified may be burned in the boilers provided the most stringent requirements and periodic monitoring shall be followed for the combination of fuels burned. The most stringent periodic monitoring requirements are for No.6 fuel oil-firing of the units.

#### 4. M001 - Cold Cleaner Solvent Vat

Parameter	Permit Condition Number	Limitations		Compliance Emission Factor	Monitoring	
		Short Term	Long Term		Method	Interval
Work Practice Standards	4.1	N/A	N/A	N/A	Internal Audit	Annually
Transfer and Storage of Waste/Used Solvents	4.2	N/A	N/A	N/A	Certification	Annually

Note that this emission unit is exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B.

- 4.1 Operation of this cold cleaner solvent vat shall meet the standards defined in Colorado Regulation 7, Section X.B. Compliance shall be monitored by following the work practices defined in Public Service Company's Policy Manual regarding operation, maintenance and design of the cold cleaner solvent vats. The Policy Manual shall include, at a minimum the requirements defined in Colorado Regulation 7, Section X.B and shall be available to the inspector upon request. Audits of the vat operations and/or the policy manual shall be performed annually to ensure that operations are performed within the requirements of the policy manual and that the policy manual incorporates the requirements of Regulation 7, Section X.B. Audit reports are to be maintained and made available to the Division upon request.
- 4.2 The transfer and storage of waste and used solvents from the cold cleaner solvent vat is subject to the following requirements (Colorado Regulation No. 7, Section X.A.3 and 4):
- 4.2.1 In any disposal or transfer of waste or used solvent, at least 80 percent by weight of the solvent/waste liquid shall be retained (i.e., no more than 20 percent of the liquid solvent/solute mixture shall evaporate or otherwise be lost during transfers).
- 4.2.2 Waste or used solvents shall be stored in closed containers unless otherwise required by law.

## 5. E001: 635 hp Diesel Fuel-Fired Emergency Generator

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
MACT ZZZZ Requirements	5.1.	Change Oil and Filter Inspect Air Cleaner Inspect all Hoses and Belts	N/A	See Condition 5.1.	
SO <sub>2</sub>	5.2.	1.5 lbs/MMBtu	N/A	Fuel Restriction	Only Diesel Fuel is Used as Fuel
Opacity	5.3	Not to Exceed 20% Except as Provided for Below	N/A	See Condition 5.3	
		For Startup – Not to Exceed 30%, for a Period or Periods Aggregating More than Six (6) Minutes in any 60 Consecutive Minutes			

Note that these emission units are exempt from the APEN reporting requirements in Regulation No. 3, Part A and the construction permit requirements in Regulation No. 3, Part B.

- 5.1 Engine E001 is subject to the requirements in 40 CFR Part 63 Subpart ZZZZ, “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”, as follows:

The requirements below reflect the rule language in 40 CFR Part 63 Subpart ZZZZ as of the latest revisions to 40 CFR Part 63 Subpart ZZZZ published in the Federal Register on March 6, 2013. However, the permittee is subject to the latest version of 40 CFR Part 63 Subpart ZZZZ.

These requirements included in this Condition 5.1 are only federally enforceable. As of the date of renewal permit issuance [April 1, 2014], the requirements in 40 CFR Part 63 Subpart ZZZZ promulgated after July 1, 2007 have not been adopted into Colorado Regulation No. 8, Part E by the Division and are therefore not state-enforceable. In the event that the Division adopts these requirements these requirements will be state-enforceable and these engines may be subject to the APEN reporting and minor source permitting requirements.

*When do I have to comply with this subpart (§ 60.6595)*

- 5.1.1 If you have an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. (§ 63.6595(a)(1))

*What emission limitations, operating limitations, and other requirements must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions? (§ 63.6603)*

5.1.2 If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you. (§ 63.6603(a)) The requirements in Table 2d that apply to this emergency RICE are as follows:

- 5.1.2.1 Change oil and filter every 500 hours of operation or annually whichever comes first. (40 CFR Part 63 Subpart ZZZZ, Table 2d, item 4.a)
- 5.1.2.2 Inspect air cleaner every 1,000 hours of operation or annually whichever comes first. (40 CFR Part 63 Subpart ZZZZ, Table 2d, item 4.b)
- 5.1.2.3 Inspect all hoses and belts every 500 hours of operation or annually whichever comes first, and replace as necessary. (40 CFR Part 63 Subpart ZZZZ Table 22, item 4.c)
- 5.1.2.4 During periods of startup you must minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply. (40 CFR Part 63 Subpart ZZZZ Table 2d, item 1)

Notwithstanding the above requirements, the following applies:

- 5.1.2.5 Sources have the option to utilize an oil analysis program as described in Condition 5.1.8 in order to extend the specified oil change requirement in Condition 5.1.2.1. (40 CFR Part 63 Subpart ZZZZ, Table 2d, footnote 1)
- 5.1.2.6 If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Condition 5.1.2.1 through 5.1.2.3, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable. (40 CFR Part 63 Subpart ZZZZ, Table 2d, footnote 1)

*What fuel requirements must I meet if I own or operate a stationary CI RICE? (§ 63.6604)*

5.1.3 Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes

specified in Conditions 5.1.11.2.b and 5.1.11.2.c or that operates for the purpose specified in § 63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted. (§ 63.6604(b))

*What are my general requirements for complying with this subpart? (§ 63.6605)*

- 5.1.4 You must be in compliance with the emission limitations, operating limitations and other requirements in this subpart that apply to you at all times. (§ 63.6605(a))
- 5.1.5 At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. (§ 63.6605(b))

*What are my monitoring, installation, collection, operation, and maintenance requirements? (§ 63.6625)*

- 5.1.6 If you own or operate an existing emergency or black start stationary RICE located at an area source of HAP emissions, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (§ 63.6625(e) and (e)(3))
- 5.1.7 If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed. (§ 63.6625(f))
- 5.1.8 If you operate a new or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply. (§ 63.6625(h))
- 5.1.9 If you own or operate a stationary CI engine that is subject to the work, operation or management practices in Condition 5.1.2, you have the option of utilizing an oil

analysis program in order to extend the specified oil change requirement in Condition 5.1.2.1. The oil analysis must be performed at the same frequency specified for changing the oil in Condition 5.1.2.1. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. (§ 63.6625(i))

*How do I demonstrate continuous compliance with the emission limitations and operating limitations? (§ 63.6640)*

- 5.1.10 You must demonstrate continuous compliance with each emission limitation, operating limitation and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d [Condition 5.1.2] to this subpart that apply to you according to methods specified in Table 6 to this subpart. (§ 63.6640(a))
  - 5.1.10.1 Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions (Subpart ZZZZ, Table 6, item 9.a.i); or
  - 5.1.10.2 Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. (Subpart ZZZZ, Table 6, item 9.a.ii)
- 5.1.11 If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in Conditions 5.1.11.1 through 5.1.11.3. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in Conditions 5.1.11.1 through 5.1.11.3, is prohibited. If you do not operate the engine according to the requirements in Conditions 5.1.11.1 through 5.1.11.3, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines. (§ 63.6640(f))
  - 5.1.11.1 There is no time limit on the use of emergency stationary RICE in

emergency situations. (§ 63.6640(f)(1))

5.1.11.2 You may operate your emergency stationary RICE for any combination of the purposes specified in Conditions 5.1.11.2.a through 5.1.11.2.c for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by Condition 5.1.11.3 counts as part of the 100 hours per calendar year allowed by this Condition 5.1.11.2). (§ 63.6640(f)(2))

- a. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. (§ 63.6640(f)(2)(i))
- b. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. (§ 63.6640(f)(2)(ii))
- c. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (§ 63.6640(f)(2)(iii))

5.1.11.3 Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in Condition 5.1.11.2. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. (§ 63.6640(f)(4))

*What reports must I submit and when? (§ 63.6650)*

- 5.1.12 If you own or operate an emergency stationary RICE with a site rating of more than 100 brake HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in Conditions 5.1.11.2.b and 5.1.11.2.c or that operates for the purpose specified in § 63.6640(f)(4)(ii), you must submit an annual report according to the requirements in 63.6650(h)(1) through (3). (§ 63.6650(h))

*What records must I keep? (§ 63.6655)*

- 5.1.13 You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate an existing stationary emergency RICE. (§ 63.6655(e) and § 63.6655(e)(2))
- 5.1.14 If you own or operate an existing emergency stationary CI RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in Conditions 5.1.11.2.b or 5.1.11.2.c or § 63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes. (§ 63.6655(f) and § 63.6655(f)(2))

*In what form and how long must I keep my records? (§ 63.6660)*

- 5.1.15 Records shall be kept in the form and for the duration specified in § 63.6660.

*What parts of the General Provisions apply to me? (§ 63.6665)*

- 5.1.16 Table 8 of Subpart ZZZZ shows which parts of the General Provisions in §§63.1 through 63.15 apply to you. (§ 63.6665) The general provisions that apply to these engines include, but are not limited to the following:
- 5.1.16.1 Prohibited activities in § 63.4(a).
- 5.1.16.2 Circumvention in § 63.4(b)
- 5.2 Sulfur Dioxide (SO<sub>2</sub>) emissions from this engine shall not exceed 1.5 lbs/MMBtu (Colorado Regulation No. 1, Section VI.A.3.b.(i)). In the absence of credible evidence to the contrary, compliance with the SO<sub>2</sub> emission limitation shall be presumed since only diesel fuel is permitted to be used as fuel in this engine.
- 5.3 Opacity of emissions from this engine shall not exceed the following:



5.3.1 Except as provided for in Condition 5.3.2 below, no owner or operator of a source shall allow or cause the emission into the atmosphere of any air pollutant which is in excess of 20% opacity (Colorado Construction Permit 01AD0285 and Colorado Regulation No. 1, Section II.A.1).

5.3.2 No owner or operator of a source shall allow or cause to be emitted into the atmosphere any air pollutant resulting from startup which is in excess of 30% opacity for a period or periods aggregating more than six (6) minutes in any sixty (60) consecutive minutes (Colorado Construction Permit 01AD0285 and Colorado Regulation No. 1, Section II.A.4).

Compliance with these limitations shall be monitored by conducting opacity observations in accordance with EPA Reference Method 9 as follows:

5.3.3 As specified in Conditions 5.1.2.4 and 5.1.8, engine startup shall not exceed 30 minutes. An engine startup period of less than 30 minutes shall not require an opacity observation to monitor compliance with the opacity limit in Condition 5.3.2. A record shall be kept of the date and time each engine was started and when it was shutdown.

5.3.4 An opacity observation shall be conducted annually (calendar year period) on this engine to monitor compliance with the opacity limit in Condition 5.3.1. Annual opacity observations for shall be separated by a period of four (4) months.

If the engine is operated more than 250 hours in any calendar year period, a second opacity observation shall be conducted. If two opacity readings are conducted in the annual (calendar year) period, such readings shall be conducted at least thirty days apart.

5.3.5 If the engine is not operated during the annual (calendar year) period, then no opacity observation is required.

5.3.6 Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of the opacity limit shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

5.3.7 All opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certificate shall be kept on site and made available to the Division upon request.

### SECTION III - Acid Rain Requirements

#### 1. Designated Representative and Alternate Designated Representative

Designated Representative

Name: Mark Fox

Title: General Manager – Power  
Generation, Colorado

Phone: (303) 440-2539

Alternate Designated Representative

Name: Gary Magno

Title: Manager Environmental  
Services, Air Quality  
Compliance

Phone: (303) 294-2177

#### 2. Sulfur Dioxide Emission Allowances and Nitrogen Oxide Emission Limitations

Unit 1a	2013	2014	2015	2016	2017	2018
SO <sub>2</sub> Allowances, per 40 CFR Part 73.10(b), Table 2	338*	338*	338*	338*	338*	338*
NO <sub>x</sub> Limits	This Unit Has No NO <sub>x</sub> Limits (see Section 5)					

\* Under the provisions of § 72.84(a) any allowance allocations to, transfers to and deductions from an affected unit's Allowance Tracking System account is considered an automatic permit amendment and as such no revision to the permit is necessary. Numerical allowances shown in this table are from the 1996 edition of the CFR.

Unit 1b	2013	2014	2015	2016	2017	2018
SO <sub>2</sub> Allowances, per 40 CFR Part 73.10(b), Table 2	0*	0*	0*	0*	0*	0*
NO <sub>x</sub> Limits	This Unit Has No NO <sub>x</sub> Limits (see Section 5)					

\* Under the provisions of § 72.84(a) any allowance allocations to, transfers to and deductions from an affected unit's Allowance Tracking System account is considered an automatic permit amendment and as such no revision to the permit is necessary. Numerical allowances shown in this table are from the 1996 edition of the CFR.

Unit 2	2013	2014	2015	2016	2017	2018
SO <sub>2</sub> Allowances, per 40 CFR Part 73.10(b), Table 2	5*	5*	5*	5*	5*	5*
NO <sub>x</sub> Limits	This Unit Has No NO <sub>x</sub> Limits (see Section 5)					

\* Under the provisions of § 72.84(a) any allowance allocations to, transfers to and deductions from an affected unit's Allowance Tracking System account is considered an automatic permit amendment and as such no revision to the permit is necessary. Numerical allowances shown in this table are from the 1996 edition of the CFR.

### **3. Standard Requirements**

Units 1a, 1b and 2 of this facility are subject to and the source has certified that they will comply with the following standard conditions (from Acid Rain Permit Application, EPA Form 7610-16 (Revised 12-2009)).

#### Permit Requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the Colorado Air Pollution Control Division determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the Division; and
  - (ii) Have an Acid Rain Permit.

#### Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Federal Clean Air Act and other provisions of the operating permit for the source.

#### Sulfur Dioxide Requirements.

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Federal Clean Air Act.

- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements.

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan to the Administrator of the U. S. EPA, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
  - (i) Pay without demand, to the Administrator of the U. S. EPA, the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or the Division:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the

certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75; provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Federal Clean Air Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Federal Clean Air Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Federal Clean Air Act.

Effect on Other Authorities.

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Federal Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Federal Clean Air Act, including the provisions of title I of the Federal Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Federal Clean Air Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

#### **4. Reporting Requirements**

Reports shall be submitted to the addresses identified in Appendix D.

Pursuant to 40 CFR Part 75.64 quarterly reports and compliance certification requirements shall be submitted to the Administrator **within 30 days after the end of the calendar quarter**. The contents of these reports shall meet the requirements of 40 CFR 75.64.

Pursuant to 40 CFR Part 75.65 excess emissions of opacity shall be reported to the Division. These reports shall be submitted in a format approved by the Division.

Revisions to this permit shall be made in accordance with 40 CFR Part 72, Subpart H, §§ 72.80 through 72.85 (as adopted by reference in Colorado Regulation 18). Permit modification requests shall be submitted to the Division at the address identified in Appendix D.

Changes to the Designated Representative or Alternate Designated Representative shall be made in accordance with 40 CFR 72.23.

#### **5. Comments, Notes and Justifications**

Units 1a, 1b and 2 are not subject to the NO<sub>x</sub> limitations since they burn natural gas (with No. 6 fuel oil as back-up). The NO<sub>x</sub> limitations in 40 CFR Part 76 are only applicable to coal-fired units.

## SECTION IV - Permit Shield

Regulation No. 3, 5 CCR 1001-5, Part C, §§ I.A.4, V.D., & XIII.B and § 25-7-114.4(3)(a), C.R.S.

### 1. Specific Non-Applicable Requirements

Based on the information available to the Division and supplied by the applicant, the following parameters and requirements have been specifically identified as non-applicable to the facility to which this permit has been issued. This shield does not protect the source from any violations that occurred prior to or at the time of permit issuance. In addition, this shield does not protect the source from any violations that occur as a result of any modification or reconstruction on which construction commenced prior to permit issuance.

Emission Unit Description & Number	Applicable Requirement	Justification
Facility	Colorado Regulation 6, Part B, Section II	These regulations are not applicable as the boilers commenced operation prior to January 30, 1979.
Facility	40 CFR Part 60, Subparts D, Da, Db, and Dc (as adopted by reference in Colorado Regulation 6)	These regulations are not applicable as the boilers commenced operation prior to August 17, 1971.
Facility	Prevention of Significant Deterioration requirements 40 CFR 52.21 (Colorado Regulation 3, Part B, Section IV.D.3)	These requirements are not applicable as the facility was constructed prior to August 17, 1971.

### 2. General Conditions

Compliance with this Operating Permit shall be deemed compliance with all applicable requirements specifically identified in the permit and other requirements specifically identified in the permit as not applicable to the source. This permit shield shall not alter or affect the following:

- 2.1 The provisions of §§ 25-7-112 and 25-7-113, C.R.S., or § 303 of the federal act, concerning enforcement in cases of emergency;
- 2.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.3 The applicable requirements of the federal Acid Rain Program, consistent with § 408(a) of the federal act;
- 2.4 The ability of the Air Pollution Control Division to obtain information from a source pursuant to § 25-7-111(2)(I), C.R.S., or the ability of the Administrator to obtain information pursuant to § 114 of the federal act;
- 2.5 The ability of the Air Pollution Control Division to reopen the Operating Permit for cause pursuant to Regulation No. 3, Part C, § XIII.

- 2.6 Sources are not shielded from terms and conditions that become applicable to the source subsequent to permit issuance.

### 3. Streamlined Conditions

The following applicable requirements have been subsumed within this operating permit using the pertinent streamlining procedures approved by the U.S. EPA. For purposes of the permit shield, compliance with the listed permit conditions will also serve as a compliance demonstration for purposes of the associated subsumed requirements.

Permit Condition(s)	Streamlined (Subsumed) Requirements
Section V, Conditions 22.b and c	Colorado Regulation No. 1, Section VIII.C [ <b>ONLY</b> the requirement to retain records for 2 yrs]



## SECTION V - General Permit Conditions

5/22/12 version

### 1. Administrative Changes

#### Regulation No. 3, 5 CCR 1001-5, Part A, § III.

The permittee shall submit an application for an administrative permit amendment to the Division for those permit changes that are described in Regulation No. 3, Part A, § I.B.1. The permittee may immediately make the change upon submission of the application to the Division.

### 2. Certification Requirements

#### Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.9., V.C.16.a.& e. and V.C.17.

- a. Any application, report, document and compliance certification submitted to the Air Pollution Control Division pursuant to Regulation No. 3 or the Operating Permit shall contain a certification by a responsible official of the truth, accuracy and completeness of such form, report or certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- b. All compliance certifications for terms and conditions in the Operating Permit shall be submitted to the Air Pollution Control Division at least annually unless a more frequent period is specified in the applicable requirement or by the Division in the Operating Permit.
- c. Compliance certifications shall contain:
  - (i) the identification of each permit term and condition that is the basis of the certification;
  - (ii) the compliance status of the source;
  - (iii) whether compliance was continuous or intermittent;
  - (iv) method(s) used for determining the compliance status of the source, currently and over the reporting period; and
  - (v) such other facts as the Air Pollution Control Division may require to determine the compliance status of the source.
- d. All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.
- e. If the permittee is required to develop and register a risk management plan pursuant to § 112(r) of the federal act, the permittee shall certify its compliance with that requirement; the Operating Permit shall not incorporate the contents of the risk management plan as a permit term or condition.

### 3. Common Provisions

#### Common Provisions Regulation, 5 CCR 1001-2 §§ II.A., II.B., II.C., II.E., II.F., II.I, and II.J

- a. To Control Emissions Leaving Colorado

When emissions generated from sources in Colorado cross the State boundary line, such emissions shall not cause the air quality standards of the receiving State to be exceeded, provided reciprocal action is taken by the receiving State.

b. Emission Monitoring Requirements

The Division may require owners or operators of stationary air pollution sources to install, maintain, and use instrumentation to monitor and record emission data as a basis for periodic reports to the Division.

c. Performance Testing

The owner or operator of any air pollution source shall, upon request of the Division, conduct performance test(s) and furnish the Division a written report of the results of such test(s) in order to determine compliance with applicable emission control regulations.

Performance test(s) shall be conducted and the data reduced in accordance with the applicable reference test methods unless the Division:

- (i) specifies or approves, in specific cases, the use of a test method with minor changes in methodology;
- (ii) approves the use of an equivalent method;
- (iii) approves the use of an alternative method the results of which the Division has determined to be adequate for indicating where a specific source is in compliance; or
- (iv) waives the requirement for performance test(s) because the owner or operator of a source has demonstrated by other means to the Division's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Commission's or Division's authority to require testing under the Colorado Revised Statutes, Title 25, Article 7, and pursuant to regulations promulgated by the Commission.

Compliance test(s) shall be conducted under such conditions as the Division shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Division such records as may be necessary to determine the conditions of the performance test(s). Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance test(s) unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Division thirty days prior notice of the performance test to afford the Division the opportunity to have an observer present. The Division may waive the thirty day notice requirement provided that arrangements satisfactory to the Division are made for earlier testing.

The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (i) Sampling ports adequate for test methods applicable to such facility;
- (ii) Safe sampling platform(s);
- (iii) Safe access to sampling platform(s); and
- (iv) Utilities for sampling and testing equipment.

Each performance test shall consist of at least three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of results of at least three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Division's approval, be determined using the arithmetic mean of the results of the two other runs.

Nothing in this section shall abrogate the Division's authority to conduct its own performance test(s) if so warranted.

d. Affirmative Defense Provision for Excess Emissions during Malfunctions

An affirmative defense to a claim of violation under these regulations is provided to owners and operators for civil penalty actions for excess emissions during periods of malfunction. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of evidence that:

- (i) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the reasonable control of the owner or operator;
- (ii) The excess emissions did not stem from any activity or event that could have reasonably been foreseen and avoided, or planned for, and could not have been avoided by better operation and maintenance practices;
- (iii) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded;
- (iv) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- (v) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence;
- (viii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (ix) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This section is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement; and
- (x) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in the Commissions' Regulations that could be attributed to the emitting source.

The owner or operator of the facility experiencing excess emissions during a malfunction shall notify the division verbally as soon as possible, but no later than noon of the Division's next working day, and shall submit written notification following the initial occurrence of the excess emissions by the end of the source's next reporting period. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to failures to meet federally promulgated performance standards or emission limits, including, but not limited to, new source performance standards and national emission standards for hazardous air pollutants. The affirmative defense provision does not apply to state implementation plan (sip) limits or permit limits that have been set taking into account potential emissions during malfunctions, including, but not necessarily limited to, certain limits with 30-day or longer averaging times, limits that indicate they apply during malfunctions, and limits that indicate they apply at all times or without exception.

e. Circumvention Clause

A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air pollutants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of this regulation. No person shall circumvent this regulation by using more openings than is considered normal practice by the industry or activity in question.

f. Compliance Certifications

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the Colorado State Implementation Plan, nothing in the Colorado State Implementation Plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. Evidence that has the effect of making any relevant standard or permit term more stringent shall not be credible for proving a violation of the standard or permit term.

When compliance or non-compliance is demonstrated by a test or procedure provided by permit or other applicable requirement, the owner or operator shall be presumed to be in compliance or non-compliance unless other relevant credible evidence overcomes that presumption.

g. Affirmative Defense Provision for Excess Emissions During Startup and Shutdown

An affirmative defense is provided to owners and operators for civil penalty actions for excess emissions during periods of startup and shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of the evidence that:

- (i) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design;
- (ii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance;
- (iii) If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (iv) The frequency and duration of operation in startup and shutdown periods were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence; and,
- (viii) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This subparagraph is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement.

The owner or operator of the facility experiencing excess emissions during startup and shutdown shall notify the Division verbally as soon as possible, but no later than two (2) hours after the start of the next working day, and shall submit written quarterly notification following the initial occurrence of the excess emissions. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to State Implementation Plan provisions or other requirements that derive from new source performance standards or national emissions standards for hazardous air pollutants, or any other federally enforceable performance standard or emission limit with an averaging time greater than twenty-four hours. In addition, an affirmative defense cannot be used by a single source or small group of sources where the excess emissions have the potential to cause an exceedance of the ambient air quality standards or Prevention of Significant Deterioration (PSD) increments.

In making any determination whether a source established an affirmative defense, the Division shall consider the information within the notification required above and any other information the Division deems necessary, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of process and air pollution control equipment.

#### 4. Compliance Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.C.9., V.C.11. & 16.d. and § 25-7-122.1(2), C.R.S.

- a. The permittee must comply with all conditions of the Operating Permit. Any permit noncompliance relating to federally-enforceable terms or conditions constitutes a violation of the federal act, as well as the state act and Regulation No. 3. Any permit noncompliance relating to state-only terms or conditions constitutes a violation of the state act and Regulation No. 3, shall be enforceable pursuant to state law, and shall not be enforceable by citizens under § 304 of the federal act. Any such violation of the federal act, the state act or regulations implementing either statute is grounds for enforcement action, for permit termination, revocation and reissuance or modification or for denial of a permit renewal application.
- b. It shall not be a defense for a permittee in an enforcement action or a consideration in favor of a permittee in a permit termination, revocation or modification action or action denying a permit renewal application that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- c. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of any request by the permittee for a permit modification, revocation and reissuance, or termination, or any notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided in §§ X. and XI. of Regulation No. 3, Part C.
- d. The permittee shall furnish to the Air Pollution Control Division, within a reasonable time as specified by the Division, any information that the Division may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Division copies of records required to be kept by the permittee, including information claimed to be confidential. Any information subject to a claim of confidentiality shall be specifically identified and submitted separately from information not subject to the claim.
- e. Any schedule for compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- f. For any compliance schedule for applicable requirements with which the source is not in compliance at the time of permit issuance, the permittee shall submit, at least every 6 months unless a more frequent period is specified in the applicable requirement or by the Air Pollution Control Division, progress reports which contain the following:
  - (i) dates for achieving the activities, milestones, or compliance required in the schedule for compliance, and dates when such activities, milestones, or compliance were achieved; and
  - (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

- g. The permittee shall not knowingly falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained or followed under the terms and conditions of the Operating Permit.

**5. Emergency Provisions**

Regulation No. 3, 5 CCR 1001-5, Part C, § VII.

An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed the technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. "Emergency" does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. An emergency constitutes an affirmative defense to an enforcement action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. the permitted facility was at the time being properly operated;
- c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. the permittee submitted oral notice of the emergency to the Air Pollution Control Division no later than noon of the next working day following the emergency, and followed by written notice within one month of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

This emergency provision is in addition to any emergency or malfunction provision contained in any applicable requirement.

**6. Emission Controls for Asbestos**

Regulation No. 8, 5 CCR 1001-10, Part B

The permittee shall not conduct any asbestos abatement activities except in accordance with the provisions of Regulation No. 8, Part B, "asbestos control."

**7. Emissions Trading, Marketable Permits, Economic Incentives**

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.13.

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are specifically provided for in the permit.

**8. Fee Payment**

C. R. S. §§ 25-7-114.1(6) and 25-7-114.7

- a. The permittee shall pay an annual emissions fee in accordance with the provisions of C.R.S. § 25-7-114.7. A 1% per month late payment fee shall be assessed against any invoice amounts not paid in full on the 91st day after the date of invoice, unless a permittee has filed a timely protest to the invoice amount.
- b. The permittee shall pay a permit processing fee in accordance with the provisions of C.R.S. § 25-7-114.7. If the Division estimates that processing of the permit will take more than 30 hours, it will notify the permittee of its estimate of what the actual charges may be prior to commencing any work exceeding the 30 hour limit.

- c. The permittee shall pay an APEN fee in accordance with the provisions of § 114.1(6) for each APEN or revised APEN filed.

**9. Fugitive Particulate Emissions**

Regulation No. 1, 5 CCR 1001-3, § III.D.1.

The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere, in accordance with the provisions of Regulation No. 1, § III.D.1.

**10. Inspection and Entry**

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.16.b.

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Air Pollution Control Division, or any authorized representative, to perform the following:

- a. enter upon the permittee's premises where an Operating Permit source is located, or emissions-related activity is conducted, or where records must be kept under the terms of the permit;
- b. have access to, and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Operating Permit;
- d. sample or monitor at reasonable times, for the purposes of assuring compliance with the Operating Permit or applicable requirements, any substances or parameters.

**11. Minor Permit Modifications**

Regulation No. 3, 5 CCR 1001-5, Part C, §§ X. & XI.

The permittee shall submit an application for a minor permit modification before making the change requested in the application. The permit shield shall not extend to minor permit modifications.

**12. New Source Review**

Regulation No. 3, 5 CCR 1001-5, Part B

The permittee shall not commence construction or modification of a source required to be reviewed under the New Source Review provisions of Regulation No. 3, Part B, without first receiving a construction permit.

**13. No Property Rights Conveyed**

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.11.d.

This permit does not convey any property rights of any sort, or any exclusive privilege.

**14. Odor**

Regulation No. 2, 5 CCR 1001-4, Part A

As a matter of state law only, the permittee shall comply with the provisions of Regulation No. 2 concerning odorous emissions.

**15. Off-Permit Changes to the Source**

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.B.

The permittee shall record any off-permit change to the source that causes the emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the change, including any other data necessary to show compliance with applicable ambient air quality standards. The permittee shall provide contemporaneous notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permit shield shall not apply to any off-permit change.

**16. Opacity**

Regulation No. 1, 5 CCR 1001-3, §§ I., II.

The permittee shall comply with the opacity emissions limitation set forth in Regulation No. 1, §§ I.-II.

**17. Open Burning**

Regulation No. 9, 5 CCR 1001-11

The permittee shall obtain a permit from the Division for any regulated open burning activities in accordance with provisions of Regulation No. 9.

**18. Ozone Depleting Compounds**

Regulation No. 15, 5 CCR 1001-17

The permittee shall comply with the provisions of Regulation No. 15 concerning emissions of ozone depleting compounds. Sections I., II.C., II.D., III., IV., and V. of Regulation No. 15 shall be enforced as a matter of state law only.

**19. Permit Expiration and Renewal**

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.6., IV.C., V.C.2.

- a. The permit term shall be five (5) years. The permit shall expire at the end of its term. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application is submitted.
- b. Applications for renewal shall be submitted at least twelve months, but not more than 18 months, prior to the expiration of the Operating Permit. An application for permit renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. A copy of any materials incorporated by reference must be included with the application.

**20. Portable Sources**

Regulation No. 3, 5 CCR 1001-5, Part C, § II.D.

Portable Source permittees shall notify the Air Pollution Control Division at least 10 days in advance of each change in location.

**21. Prompt Deviation Reporting**

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.7.b.

The permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.



"Prompt" is defined as follows:

- a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
  - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
  - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report shall be made within 48 hours; and
  - (iii) For all other deviations from permit requirements, the report shall be submitted every six (6) months, except as otherwise specified by the Division in the permit in accordance with paragraph 22.d. below.
- c. If any of the conditions in paragraphs b.i or b.ii above are met, the source shall notify the Division by telephone (303-692-3155) or facsimile (303-782-0278) based on the timetables listed above. *[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for an Operating Permit.]* A written notice, certified consistent with General Condition 2.a. above (Certification Requirements), shall be submitted within 10 working days of the occurrence. All deviations reported under this section shall also be identified in the 6-month report required above.

"Prompt reporting" does not constitute an exception to the requirements of "Emergency Provisions" for the purpose of avoiding enforcement actions.

## **22. Record Keeping and Reporting Requirements**

Regulation No. 3, 5 CCR 1001-5, Part A, § II.; Part C, §§ V.C.6., V.C.7.

- a. Unless otherwise provided in the source specific conditions of this Operating Permit, the permittee shall maintain compliance monitoring records that include the following information:
  - (i) date, place as defined in the Operating Permit, and time of sampling or measurements;
  - (ii) date(s) on which analyses were performed;
  - (iii) the company or entity that performed the analysis;
  - (iv) the analytical techniques or methods used;
  - (v) the results of such analysis; and
  - (vi) the operating conditions at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Support information, for this purpose, includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit. With prior approval of the Air Pollution Control Division, the permittee may maintain any of the above records in a computerized form.
- c. Permittees must retain records of all required monitoring data and support information for the most recent twelve (12) month period, as well as compliance certifications for the past five (5) years on-site at all times. A permittee

shall make available for the Air Pollution Control Division's review all other records of required monitoring data and support information required to be retained by the permittee upon 48 hours advance notice by the Division.

- d. The permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months, unless an applicable requirement, the compliance assurance monitoring rule, or the Division requires submission on a more frequent basis. All instances of deviations from any permit requirements must be clearly identified in such reports.
- e. The permittee shall file an Air Pollutant Emissions Notice ("APEN") prior to constructing, modifying, or altering any facility, process, activity which constitutes a stationary source from which air pollutants are or are to be emitted, unless such source is exempt from the APEN filing requirements of Regulation No. 3, Part A, § II.D. A revised APEN shall be filed annually whenever a significant change in emissions, as defined in Regulation No. 3, Part A, ' II.C.2., occurs; whenever there is a change in owner or operator of any facility, process, or activity; whenever new control equipment is installed; whenever a different type of control equipment replaces an existing type of control equipment; whenever a permit limitation must be modified; or before the APEN expires. An APEN is valid for a period of five years. The five-year period recommences when a revised APEN is received by the Air Pollution Control Division. Revised APENs shall be submitted no later than 30 days before the five-year term expires. Permittees submitting revised APENs to inform the Division of a change in actual emission rates must do so by April 30 of the following year. Where a permit revision is required, the revised APEN must be filed along with a request for permit revision. APENs for changes in control equipment must be submitted before the change occurs. Annual fees are based on the most recent APEN on file with the Division.

**23. Reopenings for Cause**

Regulation No. 3, 5 CCR 1001-5, Part C, § XIII.

- a. The Air Pollution Control Division shall reopen, revise, and reissue Operating Permits; permit reopenings and reissuance shall be processed using the procedures set forth in Regulation No. 3, Part C, § III., except that proceedings to reopen and reissue permits affect only those parts of the permit for which cause to reopen exists.
- b. The Division shall reopen a permit whenever additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, unless the effective date of the requirements is later than the date on which the permit expires, or unless a general permit is obtained to address the new requirements; whenever additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program; whenever the Division determines the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or whenever the Division determines that the permit must be revised or revoked to assure compliance with an applicable requirement.
- c. The Division shall provide 30 days' advance notice to the permittee of its intent to reopen the permit, except that a shorter notice may be provided in the case of an emergency.
- d. The permit shield shall extend to those parts of the permit that have been changed pursuant to the reopening and reissuance procedure.

**24. Section 502(b)(10) Changes**

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.A.

The permittee shall provide a minimum 7-day advance notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permittee shall attach a copy of each such notice given to its Operating Permit.

**25. Severability Clause**

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.10.

In the event of a challenge to any portion of the permit, all emissions limits, specific and general conditions, monitoring, record keeping and reporting requirements of the permit, except those being challenged, remain valid and enforceable.

**26. Significant Permit Modifications**

Regulation No. 3, 5 CCR 1001-5, Part C, § III.B.2.

The permittee shall not make a significant modification required to be reviewed under Regulation No. 3, Part B ("Construction Permit" requirements) without first receiving a construction permit. The permittee shall submit a complete Operating Permit application or application for an Operating Permit revision for any new or modified source within twelve months of commencing operation, to the address listed in Item 1 in Appendix D of this permit. If the permittee chooses to use the "Combined Construction/Operating Permit" application procedures of Regulation No. 3, Part C, then the Operating Permit must be received prior to commencing construction of the new or modified source.

**27. Special Provisions Concerning the Acid Rain Program**

Regulation No. 3, 5 CCR 1001-5, Part C, §§ V.C.1.b. & 8

- a. Where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, 40 Code of Federal Regulations (CFR) Part 72, both provisions shall be incorporated into the permit and shall be federally enforceable.
- b. Emissions exceeding any allowances that the source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder, 40 CFR Part 72, are expressly prohibited.

**28. Transfer or Assignment of Ownership**

Regulation No. 3, 5 CCR 1001-5, Part C, § II.C.

No transfer or assignment of ownership of the Operating Permit source will be effective unless the prospective owner or operator applies to the Air Pollution Control Division on Division-supplied Administrative Permit Amendment forms, for reissuance of the existing Operating Permit. No administrative permit shall be complete until a written agreement containing a specific date for transfer of permit, responsibility, coverage, and liability between the permittee and the prospective owner or operator has been submitted to the Division.

**29. Volatile Organic Compounds**

Regulation No. 7, 5 CCR 1001-9, §§ III & V.

The requirements in paragraphs a, b and e apply to sources located in an ozone non-attainment area or the Denver 1-hour ozone attainment/maintenance area. The requirements in paragraphs c and d apply statewide.

- a. All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.  
  
Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing shall be conducted as in Regulation No. 7, Section VIII.C.3.
- b. Except when otherwise provided by Regulation No. 7, all volatile organic compounds, excluding petroleum liquids, transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be

transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.

- c. The permittee shall not dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology (RACT) is utilized.
- d. No owner or operator of a bulk gasoline terminal, bulk gasoline plant, or gasoline dispensing facility as defined in Colorado Regulation No. 7, Section VI, shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any other manner that would result in evaporation.
- e. Beer production and associated beer container storage and transfer operations involving volatile organic compounds with a true vapor pressure of less than 1.5 PSIA actual conditions are exempt from the provisions of paragraph b, above.

**30. Wood Stoves and Wood burning Appliances**

Regulation No. 4, 5 CCR 1001-6

The permittee shall comply with the provisions of Regulation No. 4 concerning the advertisement, sale, installation, and use of wood stoves and wood burning appliances.

**End of Permit Requirements**

## OPERATING PERMIT APPENDICES

A - INSPECTION INFORMATION

B - MONITORING AND PERMIT DEVIATION REPORT

C - COMPLIANCE CERTIFICATION REPORT

D - NOTIFICATION ADDRESSES

E - PERMIT ACRONYMS

F - PERMIT MODIFICATIONS

**\*DISCLAIMER:**

None of the information found in these Appendices shall be considered to be State or Federally enforceable, except as otherwise provided in the permit, and is presented to assist the source, permitting authority, inspectors, and citizens.

## APPENDIX A - Inspection Information

### Directions to Plant:

The facility is located at 1335 Zuni Street in Denver. The access gate is on the east side of the facility, from Zuni Street.

### Safety Equipment Required:

Eye Protection  
Hard Hat  
Safety Shoes  
Hearing Protection

### Facility Plot Plan:

Figure 1 (following page) shows the plot plan as submitted on February 15, 1996 with the source's Title V Operating Permit Application.

### List of Insignificant Activities:

The following list of insignificant activities was provided by the source to assist in the understanding of the facility layout. Since there is no requirement to update such a list, activities may have changed since the last filing.

The asterisk (\*) denotes an insignificant activity source category based on the size of the activity, emissions levels from the activity or the production rate of the activity. The owner or operator of individual emission points in insignificant activity source categories marked with an asterisk (\*) must maintain sufficient record keeping verifying that the exemption applies. Such records shall be made available for Division review upon request. (Colorado Regulation No. 3, Part C, Section II.E)

Insignificant activities and/or sources of emissions identified by the permittee are as follows:

#### Units with emissions less than the APEN de minimis (Reg 3 Part C.II.E.3.a)\*

Cooling towers #1, #2, & #3 (PM emissions < 1 tpy)  
Fugitive emissions from paved/unpaved roads (emissions < 1 tpy)  
Venting of natural gas and VOC emissions from equipment leaks (emissions < 1 tpy)

#### Air conditioning or ventilation systems not designed to remove air pollutants (Reg 3 Part C.II.E.3.c)

Plant air conditioning and ventilation system

#### In-house experimental/laboratory equipment (Reg 3 Part C.II.E.3.i)

Plant laboratory

Brazing, soldering or welding operations, except those using lead (Reg 3 Part C.II.E.3.r)

Maintenance welding machine

Landscaping/housekeeping equipment < 10 hp (Reg 3 Part C.II.E.3.bb)\*

Mowers, snow blowers, etc..

Fugitive emissions from landscaping (Reg 3 Part C.II.E.3.cc)

Landscaping activities

Chemical storage areas with capacity < 5,000 gal (Reg 3 Part C.II.E.3.mm)\*

Chemical storage areas

Janitorial activities and products (Reg 3 Part C.II.E.3.pp)

Cleaners, products, etc..

Office emissions (Reg 3 Part C.II.E.3.tt)

Restrooms, copiers, etc...

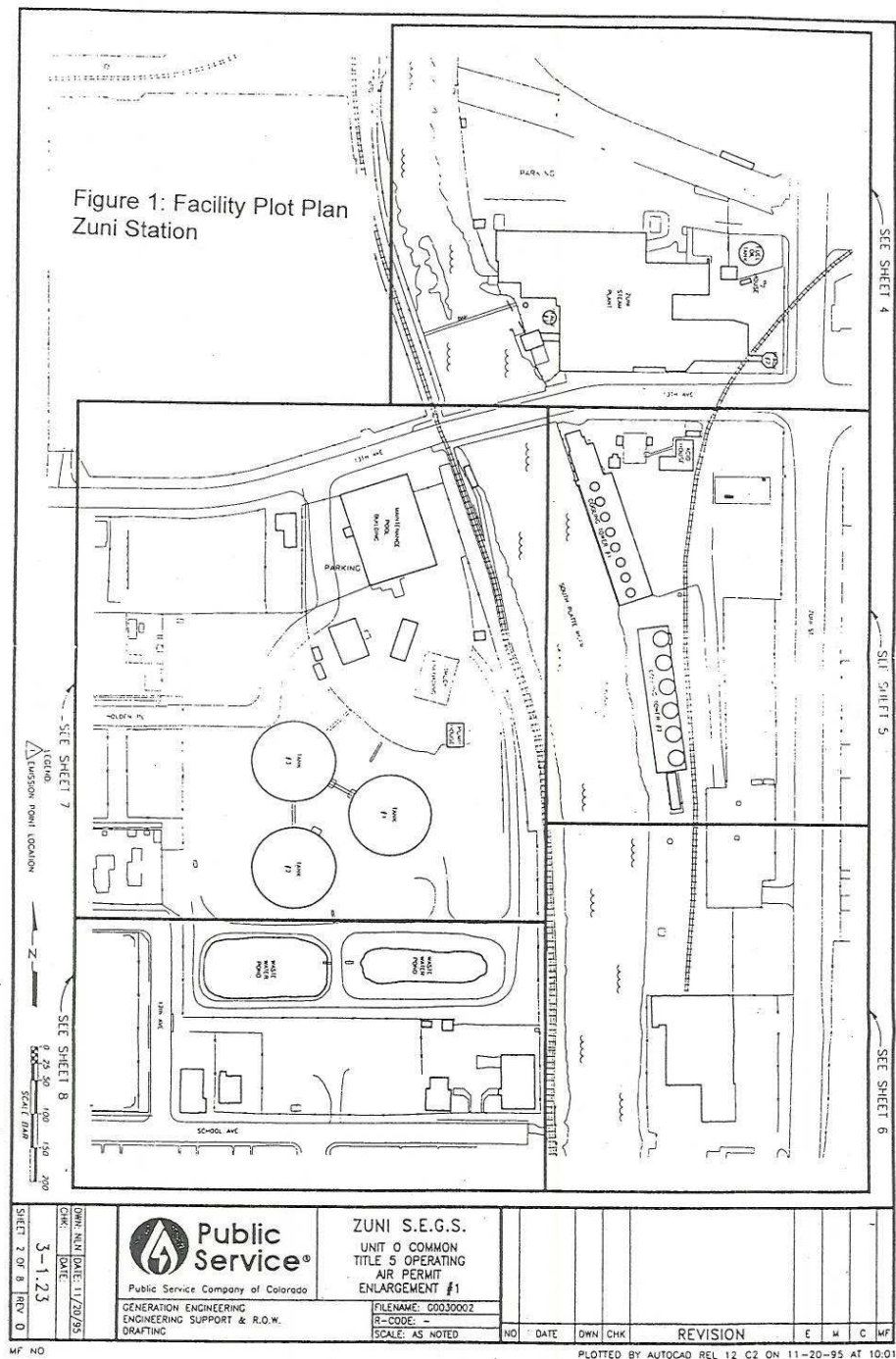
Storage tanks with annual throughput less than 400,000 gal/yr and meeting content specifications (Reg 3 Part C.II.E.3.fff)\*

One (1) No. 2 diesel oil tank (1,000 gal)

Three (3) No. 6 fuel oil storage tanks (4,000,000 gal each). Note that these tanks have been take out of service and permanently closed.

One (1) No. 6 fuel oil storage tank (215,000 gal)

One (1) No. 6 fuel oil day tank (3,000 gal)





## APPENDIX B

### Reporting Requirements and Definitions

with codes ver 2/20/07

Please note that, pursuant to 113(c)(2) of the federal Clean Air Act, any person who knowingly:

- (A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan, or other document required pursuant to the Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State);
- (B) fails to notify or report as required under the Act; or
- (C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under the Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than 2 years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

The permittee must comply with all conditions of this operating permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

---

The Part 70 Operating Permit program requires three types of reports to be filed for all permits. All required reports must be certified by a responsible official.

#### **Report #1: Monitoring Deviation Report** (due at least every six months)

*For purposes of this operating permit, the Division is requiring that the monitoring reports are due every six months unless otherwise noted in the permit. All instances of deviations from permit monitoring requirements must be clearly identified in such reports.*

For purposes of this operating permit, monitoring means any condition determined by observation, by data from any monitoring protocol, or by any other monitoring which is required by the permit as well as the recordkeeping associated with that monitoring. This would include, for example, fuel use or process rate monitoring, fuel analyses, and operational or control device parameter monitoring.

#### **Report #2: Permit Deviation Report** (must be reported “promptly”)

In addition to the monitoring requirements set forth in the permits as discussed above, each and every requirement of the permit is subject to deviation reporting. The reports must address deviations from permit requirements, including those attributable to malfunctions as defined in this Appendix, the probable cause of

such deviations, and any corrective actions or preventive measures taken. All deviations from any term or condition of the permit are required to be summarized or referenced in the annual compliance certification.

For purposes of this operating permit, “malfunction” shall refer to both emergency conditions and malfunctions. Additional discussion on these conditions is provided later in this Appendix.

*For purposes of this operating permit, the Division is requiring that the permit deviation reports are due as set forth in General Condition 21.* Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. For example, quarterly Excess Emission Reports required by an NSPS or Regulation No. 1, Section IV.

In addition to the monitoring deviations discussed above, included in the meaning of deviation for the purposes of this operating permit are any of the following:

- (1) A situation where emissions exceed an emission limitation or standard contained in the permit;
- (2) A situation where process or control device parameter values demonstrate that an emission limitation or standard contained in the permit has not been met;
- (3) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or,
- (4) A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only if the emission point is subject to CAM)

For reporting purposes, the Division has combined the Monitoring Deviation Report with the Permit Deviation Report. All deviations shall be reported using the following codes:

<b>1 = Standard:</b>	When the requirement is an emission limit or standard
<b>2 = Process:</b>	When the requirement is a production/process limit
<b>3 = Monitor:</b>	When the requirement is monitoring
<b>4 = Test:</b>	When the requirement is testing
<b>5 = Maintenance:</b>	When required maintenance is not performed
<b>6 = Record:</b>	When the requirement is recordkeeping
<b>7 = Report:</b>	When the requirement is reporting
<b>8 = CAM:</b>	A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred.
<b>9 = Other:</b>	When the deviation is not covered by any of the above categories

### **Report #3: Compliance Certification (annually, as defined in the permit)**

Submission of compliance certifications with terms and conditions in the permit, including emission limitations, standards, or work practices, is required not less than annually.

Compliance Certifications are intended to state the compliance status of each requirement of the permit over the certification period. They must be based, at a minimum, on the testing and monitoring methods specified in the

permit that were conducted during the relevant time period. In addition, if the owner or operator knows of other material information (i.e. information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status), that information must be identified and addressed in the compliance certification. The compliance certification must include the following:

- The identification of each term or condition of the permit that is the basis of the certification;
- Whether or not the method(s) used by the owner or operator for determining the compliance status with each permit term and condition during the certification period was the method(s) specified in the permit. Such methods and other means shall include, at a minimum, the methods and means required in the permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information;
- The status of compliance with the terms and conditions of the permit, and whether compliance was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. Note that not all deviations are considered violations.<sup>1</sup>
- Such other facts as the Division may require, consistent with the applicable requirements to which the source is subject, to determine the compliance status of the source.

The Certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only for emission points subject to CAM)

Note the requirement that the certification shall identify each deviation and take it into account in the compliance certification. Previously submitted deviation reports, including the deviation report submitted at the time of the annual certification, may be referenced in the compliance certification.

### **Startup, Shutdown, Malfunctions and Emergencies**

Understanding the application of Startup, Shutdown, Malfunctions and Emergency Provisions, is very important in both the deviation reports and the annual compliance certifications.

#### **Startup, Shutdown, and Malfunctions**

Please note that exceedances of some New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) standards that occur during Startup, Shutdown or Malfunctions may not be considered to be non-compliance since emission limits or standards often do not apply unless specifically stated in the NSPS. Such exceedances must, however, be reported as excess emissions per the NSPS/MACT rules and would still be noted in the deviation report. In regard to compliance certifications, the permittee should be

---

<sup>1</sup> For example, given the various emissions limitations and monitoring requirements to which a source may be subject, a deviation from one requirement may not be a deviation under another requirement which recognizes an exception and/or special circumstances relating to that same event.

confident of the information related to those deviations when making compliance determinations since they are subject to Division review. The concepts of Startup, Shutdown and Malfunctions also exist for Best Available Control Technology (BACT) sources, but are not applied in the same fashion as for NSPS and MACT sources.

### **Emergency Provisions**

Under the Emergency provisions of Part 70 certain operational conditions may act as an affirmative defense against enforcement action if they are properly reported.

### **DEFINITIONS**

**Malfunction** (NSPS) means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**Malfunction** (SIP) means any sudden and unavoidable failure of air pollution control equipment or process equipment or unintended failure of a process to operate in a normal or usual manner. Failures that are primarily caused by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

**Emergency** means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

### Monitoring and Permit Deviation Report - Part I

- Following is the **required** format for the Monitoring and Permit Deviation report to be submitted to the Division as set forth in General Condition 21. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.
- Part II of this Appendix B shows the format and information the Division will require for describing periods of monitoring and permit deviations, or malfunction or emergency conditions as indicated in the Table below. One Part II Form must be completed for each Deviation. Previously submitted reports (e.g. EER's or malfunctions) may be referenced and the form need not be filled out in its entirety.

FACILITY NAME: Public Service Company of Colorado – Zuni Station

OPERATING PERMIT NO: 96OPDE134

REPORTING PERIOD: \_\_\_\_\_ (see first page of the permit for specific reporting period and dates)

Operating Permit Unit ID	Unit Description	Deviations noted During Period? <sup>1</sup>		Deviation Code <sup>2</sup>	Malfunction/Emergency Condition Reported During Period?	
		YES	NO		YES	NO
B001	Babcock and Wilcox, Front-Fired Boiler, Unit #1A, Model No. Unknown, Serial No. 15253, Rated at 450 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.					
S002	Babcock and Wilcox, Front-Fired Boiler, Unit #1B, Model No. Unknown, Serial No. 15265, Rated at 200 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.					
S003	Babcock and Wilcox, Front-Fired Boiler, Model No. Unknown, Serial No. 17869, Rated at 1,075 MMBtu/hr. Natural Gas Fired, No. 6 Fuel Oil or Combination Fired.					
M001	Cold Cleaner Solvent Vat					
E001	Detroit Diesel, Model No. 7163-7305, diesel fuel-fired engine, rated at 635 hp, Serial No. 16VA2496. This engine powers an emergency generator.					
	General Conditions					
	Insignificant Activities					

<sup>1</sup> See previous discussion regarding what is considered to be a deviation. Determination of whether or not a deviation has occurred shall be based on a reasonable inquiry using readily available information.

<sup>2</sup> Use the following entries as appropriate:

- 1 = Standard:** When the requirement is an emission limit or standard
- 2 = Process:** When the requirement is a production/process limit
- 3 = Monitor:** When the requirement is monitoring
- 4 = Test:** When the requirement is testing
- 5 = Maintenance:** When required maintenance is not performed
- 6 = Record:** When the requirement is recordkeeping

- 7 = Report:** When the requirement is reporting
- 8 = CAM:** A situation in which an excursion or exceedance as defined in 40 CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred.
- 9 = Other:** When the deviation is not covered by any of the above categories

**Monitoring and Permit Deviation Report - Part II**

FACILITY NAME: Public Service Company of Colorado – Zuni Station  
OPERATING PERMIT NO: 96OPDE134  
REPORTING PERIOD:

Is the deviation being claimed as an: Emergency \_\_\_\_\_ Malfunction \_\_\_\_\_ N/A \_\_\_\_\_

(For NSPS/MACT) Did the deviation occur during: Startup \_\_\_\_\_ Shutdown \_\_\_\_\_ Malfunction \_\_\_\_\_  
Normal Operation \_\_\_\_\_

OPERATING PERMIT UNIT IDENTIFICATION:

Operating Permit Condition Number Citation

Explanation of Period of Deviation

Duration (start/stop date & time)

Action Taken to Correct the Problem

Measures Taken to Prevent a Reoccurrence of the Problem

Dates of Malfunctions/Emergencies Reported (if applicable)

Deviation Code \_\_\_\_\_

Division Code QA: \_\_\_\_\_

**SEE EXAMPLE ON THE NEXT PAGE**

## EXAMPLE

FACILITY NAME: Acme Corp.  
OPERATING PERMIT NO: 96OPZZXXX  
REPORTING PERIOD: 1/1/04 - 6/30/06

Is the deviation being claimed as an: Emergency \_\_\_\_\_ Malfunction XX N/A

(For NSPS/MACT) Did the deviation occur during: Startup \_\_\_\_\_ Shutdown \_\_\_\_\_ Malfunction  
Normal Operation \_\_\_\_\_

### OPERATING PERMIT UNIT IDENTIFICATION:

Asphalt Plant with a Scrubber for Particulate Control - Unit XXX

### Operating Permit Condition Number Citation

Section II, Condition 3.1 - Opacity Limitation

### Explanation of Period of Deviation

Slurry Line Feed Plugged

### Duration

START- 1730 4/10/06  
END- 1800 4/10/06

### Action Taken to Correct the Problem

Line Blown Out

### Measures Taken to Prevent Reoccurrence of the Problem

Replaced Line Filter

### Dates of Malfunction/Emergencies Reported (if applicable)

5/30/06 to A. Einstein, APCD

Deviation Code \_\_\_\_\_

Division Code QA: \_\_\_\_\_



---

**Monitoring and Permit Deviation Report - Part III**

**REPORT CERTIFICATION**

SOURCE NAME: Public Service Company of Colorado – Zuni Station

FACILITY IDENTIFICATION NUMBER: 0310007

PERMIT NUMBER: 96OPDE134

REPORTING PERIOD:\_\_\_\_\_ (see first page of the permit for specific reporting period and dates)

All information for the Title V Semi-Annual Deviation Reports must be certified by a responsible official as defined in Colorado Regulation No. 3, Part A, Section I.B.38. This signed certification document must be packaged with the documents being submitted.

**STATEMENT OF COMPLETENESS**

**I have reviewed the information being submitted in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this submittal are true, accurate and complete.**

**Please note that the Colorado Statutes state that any person who knowingly, as defined in Sub-Section 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of Sub-Section 25-7 122.1, C.R.S.**

---

Printed or Typed Name

Title

---

Signature of Responsible Official

Date Signed

**Note: Deviation reports shall be submitted to the Division at the address given in Appendix D of this permit. No copies need be sent to the U.S. EPA.**

---

Operating Permit Number: 96OPDE134

First Issued: 7/1/98  
Renewed: 4/1/14

## APPENDIX C

### Format for Annual Compliance Certification Reports

ver 2/20/07

Following is the format for the Compliance Certification report to be submitted to the Division and the U.S. EPA annually based on the effective date of the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.

FACILITY NAME: Public Service Company of Colorado – Zuni Station

OPERATING PERMIT NO: 96OPDE134

REPORTING PERIOD:

#### I. Facility Status

\_\_\_ During the entire reporting period, this source was in compliance with **ALL** terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the Permit.

\_\_\_ With the possible exception of the deviations identified in the table below, this source was in compliance with all terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference, during the entire reporting period. The method used to determine compliance for each term and condition is the method specified in the Permit, unless otherwise indicated and described in the deviation report(s). Note that not all deviations are considered violations.

Operating Permit Unit ID	Unit Description	Deviations Reported <sup>1</sup>		Monitoring Method per Permit? <sup>2</sup>		Was Compliance Continuous or Intermittent? <sup>3</sup>	
		Previous	Current	YES	NO	Continuous	Intermittent
B001	Babcock and Wilcox, Front-Fired Boiler, Unit #1A, Model No. Unknown, Serial No. 15253, Rated at 450 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.						
S002	Babcock and Wilcox, Front-Fired Boiler, Unit #1B, Model No. Unknown, Serial No. 15265, Rated at 200 MMBtu/hr. Natural Gas, No. 6 Fuel Oil or Combination Fired.						
S003	Babcock and Wilcox, Front-Fired Boiler, Model No. Unknown, Serial No. 17869, Rated at 1,075 MMBtu/hr. Natural Gas Fired, No. 6 Fuel Oil or Combination Fired.						
M001	Cold Cleaner Solvent Vat						

Air Pollution Control Division  
Colorado Operating Permit  
Compliance Certification Report

Appendix C  
Page 2

Operating Permit Unit ID	Unit Description	Deviations Reported <sup>1</sup>		Monitoring Method per Permit? <sup>2</sup>		Was Compliance Continuous or Intermittent? <sup>3</sup>	
		Previous	Current	YES	NO	Continuous	Intermittent
E001	Detroit Diesel, Model No. 7163-7305, diesel fuel-fired engine, rated at 635 hp, Serial No. 16VA2496. This engine powers an emergency generator.						
	General Conditions						
	Insignificant Activities <sup>4</sup>						

<sup>1</sup> If deviations were noted in a previous deviation report, put an "X" under "previous". If deviations were noted in the current deviation report (i.e. for the last six months of the annual reporting period), put an "X" under "current". Mark both columns if both apply.

<sup>2</sup> Note whether the method(s) used to determine the compliance status with each term and condition was the method(s) specified in the permit. If it was not, mark "no" and attach additional information/explanation.

<sup>3</sup> Note whether the compliance status with of each term and condition provided was continuous or intermittent. "Intermittent Compliance" can mean either that noncompliance has occurred or that the owner or operator has data sufficient to certify compliance only on an intermittent basis. Certification of intermittent compliance therefore does not necessarily mean that any noncompliance has occurred.

NOTE:

The Periodic Monitoring requirements of the Operating Permit program rule are intended to provide assurance that even in the absence of a continuous system of monitoring the Title V source can demonstrate whether it has operated in continuous compliance for the duration of the reporting period. Therefore, if a source 1) conducts all of the monitoring and recordkeeping required in its permit, even if such activities are done periodically and not continuously, and if 2) such monitoring and recordkeeping does not indicate non-compliance, and if 3) the Responsible Official is not aware of any credible evidence that indicates non-compliance, then the Responsible Official can certify that the emission point(s) in question were in continuous compliance during the applicable time period.

<sup>4</sup> Compliance status for these sources shall be based on a reasonable inquiry using readily available information.

II. Status for Accidental Release Prevention Program:

- A. This facility \_\_\_\_\_ is subject \_\_\_\_\_ is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act)
- B. If subject: The facility \_\_\_\_\_ is \_\_\_\_\_ is not in compliance with all the requirements of section 112(r).
1. A Risk Management Plan \_\_\_\_\_ will be \_\_\_\_\_ has been submitted to the appropriate authority and/or the designated central location by the required date.

III. Certification

All information for the Annual Compliance Certification must be certified by a responsible official as defined in Colorado Regulation No. 3, Part A, Section I.B.38. This signed certification document must be packaged with the documents being submitted.

**I have reviewed this certification in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this certification are true, accurate and complete.**

**Please note that the Colorado Statutes state that any person who knowingly, as defined in § 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of § 25-7 122.1, C.R.S.**

---

Printed or Typed Name

Title

---

Signature

Date Signed

**NOTE:** All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.

## **APPENDIX D**

### **Notification Addresses**

**1. Air Pollution Control Division**

Colorado Department of Public Health and Environment  
Air Pollution Control Division  
Operating Permits Unit  
APCD-SS-B1  
4300 Cherry Creek Drive S.  
Denver, CO 80246-1530

ATTN: Matt Burgett

**2. United States Environmental Protection Agency**

Compliance Notifications:

Office of Enforcement, Compliance and Environmental Justice  
Mail Code 8ENF-AT  
U.S. Environmental Protection Agency, Region VIII  
1595 Wynkoop Street  
Denver, CO 80202-1129

502(b)(1) Changes, Off Permit Changes:

Office of Partnerships and Regulatory Assistance  
Air and Radiation Programs, 8P-AR  
U.S. Environmental Protection Agency, Region VIII  
1595 Wynkoop Street  
Denver, CO 80202-1129

## APPENDIX E

### Permit Acronyms

Listed Alphabetically:

AIRS -	Aerometric Information Retrieval System
AP-42 -	EPA Document Compiling Air Pollutant Emission Factors
APEN -	Air Pollution Emission Notice (State of Colorado)
APCD -	Air Pollution Control Division (State of Colorado)
ASTM -	American Society for Testing and Materials
BACT -	Best Available Control Technology
BTU -	British Thermal Unit
CAA -	Clean Air Act (CAAA = Clean Air Act Amendments)
CCR -	Colorado Code of Regulations
CEM -	Continuous Emissions Monitor
CF -	Cubic Feet (SCF = Standard Cubic Feet)
CFR -	Code of Federal Regulations
CO -	Carbon Monoxide
COM -	Continuous Opacity Monitor
CRS -	Colorado Revised Statute
EPA -	Environmental Protection Agency
FR -	Federal Register
G -	Grams
Gal -	Gallon
HAPs -	Hazardous Air Pollutants
HP -	Horsepower
HP-HR -	Horsepower Hour (G/HP-HR = Grams per Horsepower Hour)
LAER -	Lowest Achievable Emission Rate
LBS -	Pounds
M -	Thousand
MM -	Million
MMscf -	Million Standard Cubic Feet
MMscfd -	Million Standard Cubic Feet per Day
N/A or NA -	Not Applicable
NOx -	Nitrogen Oxides
NESHAP -	National Emission Standards for Hazardous Air Pollutants
NSPS -	New Source Performance Standards
PM -	Particulate Matter
PM <sub>10</sub> -	Particulate Matter Under 10 Microns
PSD -	Prevention of Significant Deterioration
PTE -	Potential To Emit
RACT -	Reasonably Available Control Technology
SCC -	Source Classification Code
SCF -	Standard Cubic Feet

SIC -	Standard Industrial Classification
SO <sub>2</sub> -	Sulfur Dioxide
TPY -	Tons Per Year
TSP -	Total Suspended Particulate
VOC -	Volatile Organic Compounds

**APPENDIX F**

**Permit Modifications**

DATE OF REVISION	MODIFICATION TYPE	SECTION NUMBER, CONDITION NUMBER	DESCRIPTION OF REVISION